

Statement of Reasons
for Dismissing the Complaint Concerning
the Trusteeship Imposed on Workers United, SEIU, Local 50

Members in good standing of the Workers United-Service Employees International Union (WU-SEIU), Local 50, filed a complaint on December 12, 2014, with the Secretary of Labor alleging that WU-SEIU failed to terminate the trusteeship after 18 months as recommended in Article 5, Section 5 of the WU Constitution. Based on the following reasons, the complaint is dismissed.

The LMRDA allows trusteeships for the purpose of “correcting corruption or financial malpractice, assuring the performance of collective bargaining agreements or other duties of a bargaining representative, restoring democratic procedures, or otherwise carrying out the legitimate objects of such labor organization.” 29 U.S.C. § 462. A trusteeship established by a parent body in conformity with the procedural requirements of its constitution and bylaws is presumed valid for 18 months from the date of its establishment and is not subject to attack during such period except by clear and convincing proof that the trusteeship was not established or maintained in good faith for a purpose allowable under section 302 of the LMRDA. 29 U.S.C. § 464(c). Moreover, a trusteeship is presumed invalid at the expiration of 18 months, unless clear and convincing proof is provided that continuation of the trusteeship is necessary for a purpose allowable under the LMRDA. 29 U.S.C. § 464(c).

The Department’s investigation determined that the trusteeship was established for a proper purpose. The Department found that the trusteeship over Local 50 was necessary for the purpose of correcting financial malpractice, restoring democratic procedures, and the rights of fee-paying members. The local had improperly denied casual workers the ability to vote in the local’s elections. The Department found that the trusteeship was established in conformity with the union’s constitution and bylaws: the Workers United Conference (WUC) notified Local 50 of the charges against the local’s officers and held a hearing regarding the imposition of the trusteeship. Although the membership was not informed of the hearing, the WUC was not responsible. Local 50’s officers refused the WUC’s requests for a membership list. Therefore, Local 50 was appropriately placed under trusteeship on May 23, 2013, and the trusteeship enjoyed the presumption of validity for a period of 18 months.

However, the Department’s investigation determined that the duration of the trusteeship exceeded the 18-month period of validity. This period ended on November 23, 2014. After the 18 month period of validity has been exceeded, the trusteeship is presumed invalid unless the union shows by clear and convincing evidence that the trusteeship was extended for a purpose allowable under the Act. The investigation revealed that the trusteeship was extended to complete the process of updating bylaws and conducting an officers’ election. Former officials of Local 50 filed a petition with the NLRB to decertify Local 50 thereby delaying the union’s approving new bylaws, conducting a new officer election, and installing those elected, steps necessary to lift the trusteeship. Not until after the NLRB recertified Local 50 as the collective bargaining representative on July 14, 2014,

did the trustee start the process to lift the trusteeship. The amended bylaws have been approved, new officers installed, and the trusteeship lifted.

On August 17 and 18, 2015, a Terminal Trusteeship Report Form LM-16 was filed with the Department. Thus, full autonomy has been restored to Local 50. The question as to whether the union met the Act's requirement for the extension of the trusteeship is moot. Accordingly, this matter does not require any further action on the part of the Department.

For the reasons set forth above, the file on this matter is closed.



April 4, 2018

[REDACTED]

Dear [REDACTED]

This is to advise you of the disposition of your complaint filed with the Secretary of Labor alleging that violations of Title III of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), occurred with respect to the imposition of a trusteeship by the Workers United Conference over Local 50 in Anaheim, California.

Pursuant to Sections 304 and 601 of the LMRDA, an investigation was conducted by the Office of Labor-Management Standards. After carefully reviewing the investigative findings, and after consulting with the Solicitor of Labor, we have determined that legal action is not warranted in this case. We are, therefore, closing our file as of this date. The basis for this decision is set forth in the enclosed Statement of Reasons.

Sincerely,

[REDACTED]

Sharon Hanley
Chief, Division of Enforcement

Enclosure

cc: Beverly Dankowitz, Acting Associate Solicitor
Civil Rights and Labor-Management Division

U.S. Department of Labor

Office of Labor-Management Standards
Division of Enforcement
Washington, DC 20210
(202) 693-0143 Fax: (202) 693-1343



April 4, 2018

[Redacted]

Dear [Redacted]

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Sincerely,

[Redacted Signature]

Sharon Hanley
Chief, Division of Enforcement

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cc: Beverly Dankowitz, Acting Associate Solicitor
Civil Rights and Labor-Management Division

U.S. Department of Labor

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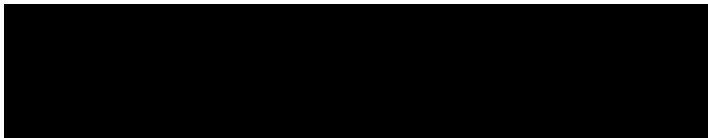
Edgar Romney, Secretary-Treasurer
Workers United, SEIU
12 W. 31st Street, 12th Floor
New York, NY 10001

Dear Mr. Romney:

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Sharon Hanley
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